

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CESAR MOTANO §
VS. § CIVIL ACTION NO. 1:07cv706
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Cesar Motano, an inmate confined in the Lynaugh Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus. Petitioner, who states he was convicted of robbery in the 177th District Court of Harris County, Texas, complains of a prison disciplinary conviction.

Analysis

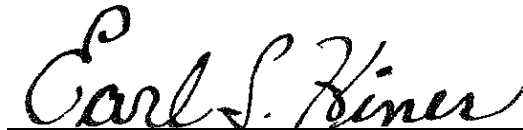
Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the federal judicial district in which he was convicted or the district in which he is incarcerated.

The conviction which resulted in petitioner's incarceration occurred in Harris County. Pursuant to 28 U.S.C. § 124, Harris County is in the Houston Division of the United States District Court for the Southern District of Texas. Moreover, petitioner is currently located at the Lynaugh Unit, which is in Pecos County, Texas. Pursuant to Section 124, Pecos County is located in the Pecos Division of the United States District Court for the Western District of Texas.

As the above paragraph indicates, petitioner is neither incarcerated in, nor does he complain of a conviction which occurred in, the Eastern District of Texas. As a result, this court lacks jurisdiction over the petition.

After due consideration, the court is of this opinion that this petition should be transferred to the Pecos Division of the United States District Court for the Western District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 12 day of October, 2007.



EARL S. HINES
UNITED STATES MAGISTRATE JUDGE